

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 27 July 2011 at 3:00 pm.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Brian Crook (Mayor)
Cr Frank Buchanan
Cr Lyn Russell
Cr Stephen Hart
Cr Geoff Higgins
Cr Chris Smith

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Cr Stuart Hart

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

Thank you, now question time. 30 minutes is allowed for question time. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

James Judd – Colac

1. How much of today's Council borrowing has been obtained by the use of 6 Murray Street, Colac as part security? How can this be offset without an asset as the Queen Street Library is not on Council property?

Response:

In accordance with Section 148(1) of the Local Government Act 1989, Council's borrowings are secured over the general rates raised by Council. As such, neither 6 Murray Street nor the Queen Street Library have been used as security for any borrowings.

2. As Council cannot be trusted to keep proper accounts records why does it only send out accounts when a net balance remains at the end of a period instead of when any transactions take place in any period? This would then allow everyone to make sure only proper items were charged to an account.

Response:

It is presumed Mr Judd is referring to the balance shown on rates instalment notices and is questioning why the notice shows a nett balance without transactional details.

The reason for this is the rates instalment notice is an "invoice" for a quarter of the annual amount of rates levied. It is not a "statement" of transactions. The instalment program that produces the data used for the instalment notices has the capacity to recognise payments made and deduct these from the amount expected to be paid to give a nett balance. It does not however provide for individual transactions to be shown on the rates instalment notice.

Transactional details are not considered necessary on the rates instalment notice as the majority of people paying by instalments pay the amount levied as a single payment (as opposed to Mr Judd who prefers to make a number of part payments). The rates instalment program software is therefore written to cater for the payment habits of the majority of people.

Naturally however, details of all transactions are recorded on the system and a print out of these can be provided at any time.

Mr Judd has been raising a rates instalment issue since February 2011 and written explanations have been provided to Mr Judd on:-

- 16th February 2011
- 23rd February 2011, and again, on

- 7th March 2011.

In addition, Mr Judd attended the Council office on 10th May 2011 regarding the same matter. Following this Mr Judd was provided with a print out of all transactions on his rates account to reconcile Council's records with his own records. He was asked to advise us immediately if there was a discrepancy. To date, no such advice has been received from Mr Judd.

3. Why does Council not demand that toilet cleaners state a fact about when toilets are cleaned not a should have been done by time? Today, less than 15 minutes before 7.00am the time of last cleaning was 7.00pm yet when I again passed the site over 30 minutes later, the time stated was 6.30am.

Response:

The Memorial Square toilets are scheduled to be cleaned five times per day. The whiteboards displayed at the entrance to the toilets are intended to convey that the cleaners have serviced the toilets. They are not intended to show exact cleaning times.

Monitoring by Council indicates that services are completed in a timely manner.

4. Why does Council continue to place advertisements in the local paper that advise a special meeting is to be held on specific dates yet you persist in not holding these meetings and refuse to advise these will not be held?

Response:

Advertisements calling for submissions include the date of when a special council meeting will be held to consider any submissions received. In the event that no submissions are received, the special council meeting is not held and an advertisement advising the details of the special council meeting is not placed in the local media. A review of our advertisements seeking submissions will be undertaken to avoid any further confusion.

Graeme J Barwick - Birregurra

1. Is it true that the Shire Council has purchased a parcel of land in or close by to the town of Birregurra? If so, for what purpose?

Response:

Council has not purchased a parcel of land in or close by to the town of Birregurra.

Jenny Handscomb - Birregurra

1. How many subdivisions for Birregurra town zone are awaiting approval post sewer and how many residential lots will be yielded?

Response:

A response to this question requires an analysis of current and historical planning decisions relating to subdivision in Birregurra. An answer will be provided in writing following the Council meeting.

2. Why does the Draft Birregurra Structure Plan propose to rezone 39 hectares of farmland for Greenfield Development but specify only 12 hectares be utilised to meet development goals?

Response:

The draft Structure Plan recognises the need to identify land outside of Township zoned land to accommodate future growth. It identifies an 'investigation area' at the north-western edge of Birregurra where land is potentially suited to future expansion subject to further investigation and planning scheme amendments. Not all of that area may be ultimately considered appropriate for development.

The draft Plan indicates that 12 hectares of greenfield land would be required as a minimum requirement, although this would need to be reviewed on an on-going basis after development rates post sewerage are known. The 'investigation areas' (approximately 39 hectares in area) are simply broad areas for further more detailed investigation, which are worthy of being considered for this purpose, and may be reduced in extent following that further analysis. It is premature to presume that all of the 39 hectares identified will ultimately be proven appropriate to be developed.

It is important to note that the current draft Structure Plan will be reviewed following completion of the Neighbourhood Character Study, including a review of land supply and demand. This has been communicated to the community at the most recent meeting of the Community Reference Group and in past officer reports to the Council on the issue.

Sarah Handscomb - Birregurra

1. The Draft Birregurra Structure Plan issued in October 2010 frequently cites the Rural Living Strategy as being the main driver for significant growth in Birregurra. Could Council supply the Birregurra community with copies of this Rural Living Strategy as it has never been made public? It is not the same as the Draft Rural Living Strategy issued in January 2011.

Response:

The Rural Living Strategy referred to in the draft Birregurra Structure Plan issued in October 2010 is the draft document that was released publicly in January 2011, and which is available on the Council web site. The draft Structure Plan was released prior to the Rural Living Strategy, but drew upon the content of the draft Rural Living Strategy as part of its development.

2. The township of Winchelsea has been identified as a major regional growth area. Why has the Draft Birregurra Structure Plan omitted to identify and evaluate the role of Winchelsea as a regional growth area, particularly given its proximity to the township of Birregurra?

Response:

The draft Structure Plan identifies the likely influences that will shape the future development of Birregurra. Birregurra is considered to have a role in accommodating future growth in the region, independent of growth that may be experienced in Winchelsea. The G21 Regional Land Use Plan currently being developed will examine the growth potential of towns across the region including Birregurra and Winchelsea. This Plan will be well progressed by the time that the Structure Plan is finalised, allowing this broader strategic planning to be incorporated into the final document when it is considered and adopted by Council.

Questions Received Verbally at the Meeting

Terry Harris – Colac

With reference to the adverse possession claim at 2 Chapel Street, Colac, why did the Department of Infrastructure and Services recommend to Council to not supply an adverse possession claim when they report that it would be difficult to give good reason for exercising its statutory powers to obstruct the adverse possession claim?

Response

The General Manager for Infrastructure and Services stated that the report, which is in today's agenda, has a recommendation that we oppose the adverse possession claim and it is based on providing advice to the claimant that no records of Council access to the land exist. This does not preclude the applicant from taking the matter any further.

In one part of the report you state that Council could not give a good reason to obstruct the adverse possession claim yet you are recommending to Council that it be knocked back.

Response

The General Manager for Infrastructure and Services advised that he was not going to enter into a debate on the content of the report but that as part of an open, transparent and fair process, officers are required to provide all information available to Council with respect to this issue. The final recommendation of this report is the outcome of the assessment of this information.

Why has the land covered by the right of carriageway been rated as part of 2 Chapel Street when it is on a different title?

Response

The General Manager for Infrastructure and Services advised that the rating of land is a matter of Council records and would be resolved if this matter is further contested. In relation to opposing the right of Council to access property for undertaking works, it is not really a consideration.

After reading this report I ask Council why they cannot supply a letter as requested by the Titles Office stating that there is no evidence that the land described as Lot 1 TP930231F has been proclaimed as a public highway nor is it considered a public road but the so called land is required by Council as a drainage easement?

Response

The General Manager for Infrastructure and Services responded that the difference between a road and a carriageway easement is that in this instance we do not have to declare it a road in our road management plan because that specifies the level of maintenance to be provided. The carriageway easement allows Council to have access to maintain existing drainage infrastructure into the future. Similar drainage issues in Apollo Bay have taken months to resolve because Council did not have carriageway rights. This recommendation is about protecting Council's long term interests for the betterment of our community by allowing officers to undertake works on drainage infrastructure with a minimum of delay.

Tony Webber – Apollo Bay

Does Council have a policy on open cut mining and fracking for gas?

Response

The Mayor advised that it did not. Council is aware of the government's intention to issue an exploration licence to Mantle Mining. Council have no part to play in the issuing of that licence, it is a State Government responsibility and suggested that anyone with concerns should contact the Department of Primary Industries, their local member or the Minister direct. Councillors would be attending a public meeting in Deans Marsh that evening in order to be better informed on the issue which will transcend our boundary and bring into question the treatment of the Otways.

Would Council represent the community's concerns at a State Government level?

Response

The Mayor stated that more information is required with respect to an exploration licence.

With respect to the draft Open Space Policy and the Heathfield Estate Reserve, there is mention in the policy about the Pony Club using this area of 27 acres but why were the submissions to use the land for food growing purposes not included?

Response

The Mayor stated that while he was not sure why those submissions had not been included, there would be further opportunity for the community to have input if the draft strategy was endorsed for release to the public today for a six week period.

Jenny Handscomb – Birregurra

Can you please clarify the term "investigation area" stipulated in the draft Birregurra Structure Plan as I have been advised by the State Planning Office that it is a technical term which is the first step towards an amendment which will allow Council to rezone. Is that correct?

Response

The General Manager for Planning and Sustainable Development advised that "investigation area" is part of the process for considering the future use of the land and what the report should recommend. Of the 39 hectares being investigated, at least 12 hectares will be required and they are looking at that area of 39 hectares to see which 12 hectares would be appropriate for future use.

Is it a legal term?

Response

The CEO advised that he was unsure if it was a legal term or a technical process. However the investigation area in this instance may lead to some land being rezoned.

Tabling of Documents

The Mayor tabled the following documents:

1. Response to question taken on notice at June Council meeting (attached)
2. Response to petition tabled at the June Council meeting (attached)

STREET, COLAC - ROADS

gardiner



25 July 2011

Ms Lyn Foster
9 McDonald Street
COLAC VIC 3250

Dear Ms Foster

Request for disabled car park, Murray Street, Colac

Thank you for your correspondence requesting a disabled car park along Murray Street, Colac, in the vicinity of the Colac Pharmacy.

I apologise for the delay in responding to you and thank you for your patience.

The Infrastructure and Services Department is in the process of completing an investigation considering a number of locations where a disabled parking space could be provided along Murray Street between Scott Street and Armstrong Street. The various locations includes the area you suggested.

The initial findings from the investigation considers the area along the front of the Colac Pharmacy is not the preferred location as there was insufficient space available to install the disabled parking bay, as required by relevant standards, without removing approximately three (3) existing parking bays.

The preferred location, shown on the attached locality plan, is considered to be more appropriate as there is the necessary space required and also allows for the park to be provided without a net loss of on-street parking, as the location only requires the conversion of one (1) parking space.

Council considers the preferred location of the disabled parking bay will provide a benefit to all businesses along Murray Street, between Scott Street and Armstrong Street, including the Colac Pharmacy.

Council is in the process of consulting with the relevant businesses to gauge their support for the preferred location identified during the investigation. Indicative feedback suggestions the relevant businesses, including the Colac Pharmacy, have no objection to the location identified.

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info@colacotwayvic.gov.au

Colac Service Centre
2-6 Ree Street
Colac Victoria 3250
Ph: (03) 5232 9400
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Apollo Bay Service Centre
69-71 Nelson Street
Apollo Bay Victoria 3233
Ph: (03) 5237 6504
Fax: (03) 5237 6734

As with all parking changes, Council will monitor the on street parking layout and usage over the next 12 months in order to assess if the disabled parking location provides assistance for patrons to the businesses in the area.

We thank you for taking the time to put forward your suggestions and welcome your feedback of the next 12 months. Should you have any queries relating to this matter please contact Ms Paula Gardiner on phone 5232 9432.

Yours sincerely

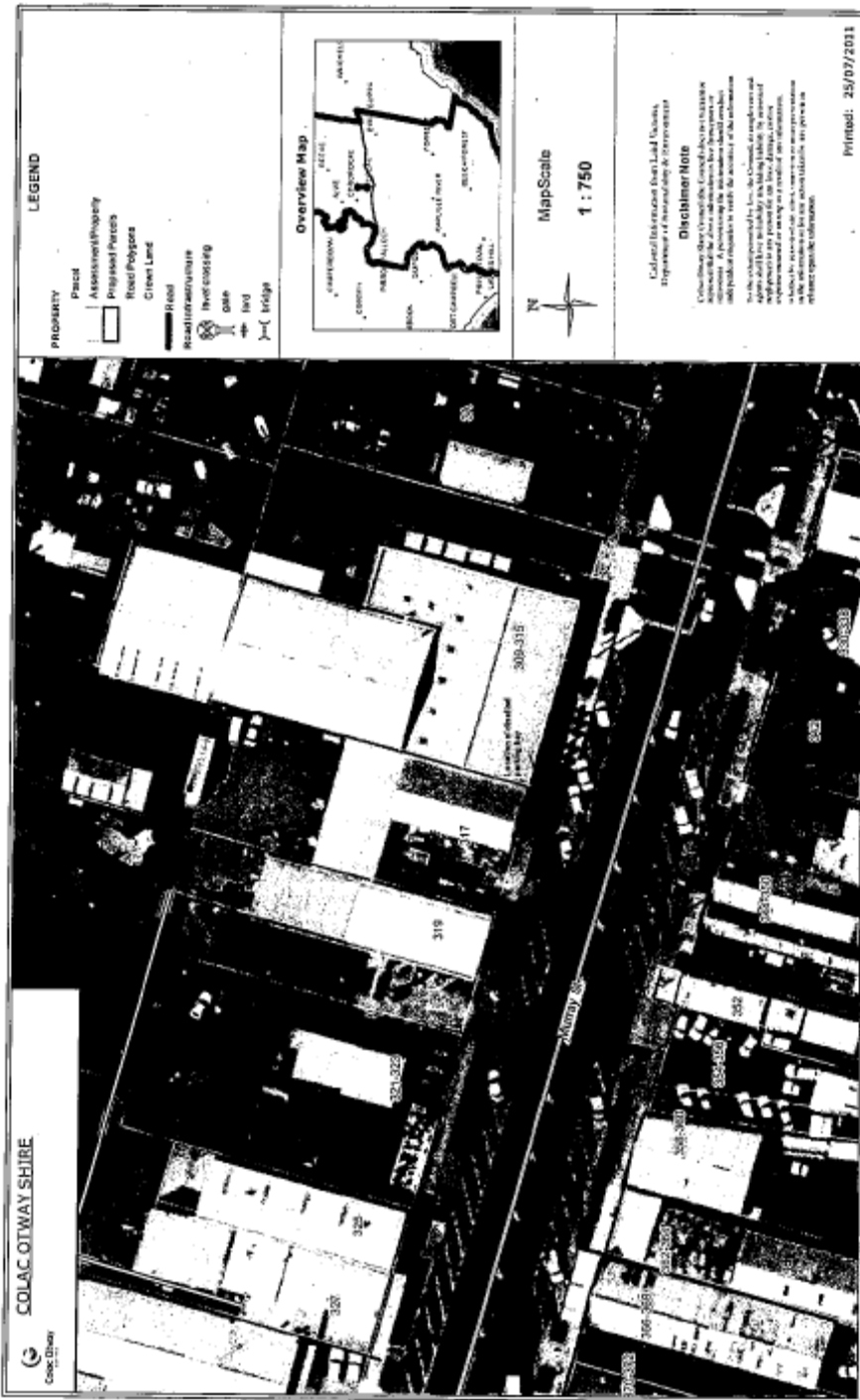


Neil Allen

General Manager, Infrastructure and Services

enc – Locality Plan

cc – Councillors
Mr Rob Small, Chief Executive Officer



Our Ref: C/2011/00 RSNA
Your Ref:
Contact: Neil Allen



30 June 2011

Mr & Mrs B Cuthbertson
37 Cawood Street
APOLLO BAY VIC 3233

Dear Mr & Mrs Cuthbertson

Drainage on northern side of Evans Court, Apollo Bay

I refer to your letter dated 3 June 2011 in relation to drainage on the northern side of Evans Court, Apollo Bay. Your letter, which was co-signed by a number of other property owners, was tabled at the 29 June 2011 Council meeting and a copy of the below response will be included in the minutes of the July Council meeting.

Council officers have undertaken a number of investigations of the pipe network recently and are in the process of trying to rectify the problem.

The investigations have found that parts of the old pipe network appear to have been removed and that the root systems from extensive vegetation within the drainage easement are blocking sections of the pipe.

This will require extensive removal of the vegetation from the drainage easement and installation of a new 300mm diameter pipe within the drainage easement.

Council is in the process of arranging for quotations to carry out the work early in the new financial year. Officers will be contacting effected residents shortly to request that they remove vegetation and other material from the easements within their properties to allow equipment to access the site.

Site works will commence as soon as practicable; subject to making arrangements with the relevant property owners, engaging a suitable contractor and the weather.

Yours sincerely,

Neil Allen
General Manager Infrastructure & Services

CC: All Councillors
Paula Gardner – Manager Capital Works
Katrina McKellar, Betty Fraps, Ben Sheppard, Michael & Maree Murnane.

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Fax: (03) 5237 6734

6. DECLARATION OF INTEREST
NIL

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 29/06/11.**

MOVED Cr Lyn Russell seconded Cr Frank Buchanan that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM112707-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM112707-2 COUNCIL POLICIES
OM112707-3 S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF
COUNCIL STAFF UPDATE
OM112707-4 SPECIAL COUNCIL MEETING TO CONSIDER FINANCIAL
STATEMENTS
OM112707-5 SOUTH WEST LOCAL LEARNING AND EMPLOYMENT NETWORK -
LOCAL GOVERNMENT REPRESENTATIVE
OM112707-6 COLAC YACHT CLUB LEASE AGREEMENT
OM112707-7 DRAFT PUBLIC OPEN SPACE STRATEGY FOR COMMUNITY
CONSULTATION
OM112707-8 INVESTMENT POLICY

Infrastructure and Services

OM112707-9 REPLACEMENT OF DREDGING VESSEL AT PORT OF APOLLO BAY
OM112707-10 CRESSY SHELFORD ROAD UPDATE
OM112707-11 ADVERSE POSSESSION CLAIM - 2 CHAPEL STREET, COLAC
OM112707-12 RAE STREET PARKING PETITION

General Business

OM112707-13 ASSEMBLY OF COUNCILLORS

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112707-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	CR LYN RUSSELL	

MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that the recommendation to item OM112707-1 CEO's Progress Report to Council as listed in the Consent Calendar be adopted.

CARRIED 6 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u> <u>OM112707-2 COUNCIL POLICIES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts the following policies:</i></p> <ul style="list-style-type: none"> • <i>Policy No 12.6 – Fencing for Events Policy</i> • <i>Policy No 18.1 – Community Reference Group Membership Policy.</i> 		<p>CR CHRIS SMITH</p>
<p><u>OM112707-3 S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF COUNCIL STAFF UPDATE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that:</i></p> <ol style="list-style-type: none"> 1. <i>There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.</i> 2. <i>The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i> 3. <i>On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.</i> 		

<p>4. <i>The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.</i></p>		
<p><u>OM112707-4 SPECIAL COUNCIL MEETING TO CONSIDER FINANCIAL STATEMENTS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council holds a Special Council Meeting at 1.00pm on 14 September 2011 to consider the adoption 'In-Principle' of the Annual Financial, Standard and Performance Statements.</i></p>		
<p><u>OM112707-5 SOUTH WEST LOCAL LEARNING AND EMPLOYMENT NETWORK - LOCAL GOVERNMENT REPRESENTATIVE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council nominates Cr..... as a Board Member on the South West Local Learning and Employment Network.</i></p>		<p>CR STEPHEN HART</p>
<p><u>OM112707-6 COLAC YACHT CLUB LEASE AGREEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council signs and seals the lease agreement with the Colac Yacht Club for a further five year term expiring on the 30 June 2016.</i></p>		

<p><u>OM112707-7 DRAFT PUBLIC OPEN SPACE STRATEGY FOR COMMUNITY CONSULTATION</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the draft Public Open Space Strategy for public exhibition in accordance with Council's Community Engagement Policy 2010.</i></p>		<p>CR CHRIS SMITH</p>
<p><u>OM112707-8 INVESTMENT POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts the "Investment Policy No. 16.3".</i></p>	<p>CR STEPHEN HART</p>	

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM112707-2, OM112707-5 and OM112707-7 be adopted.

CARRIED 6 : 0

OM112707-2 COUNCIL POLICIES

MOTION - MOVED Cr Chris Smith:

That Council not adopt the following policies:

- ***Policy No 12.6 – Fencing for Events Policy***
- ***Policy No 18.1 – Community Reference Group Membership Policy.***

Due to a lack of a seconder, the motion lapsed.

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council adopts the following policies:

- ***Policy No 12.6 – Fencing for Events Policy***
- ***Policy No 18.1 – Community Reference Group Membership Policy.***

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Lyn Russell

Against the Motion: Cr Chris Smith

**OM112707-5 SOUTH WEST LOCAL LEARNING AND EMPLOYMENT NETWORK -
LOCAL GOVERNMENT REPRESENTATIVE**

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council nominates Cr Brian Crook as a Board Member on the South West Local Learning and Employment Network.

CARRIED 6 : 0

**OM112707-7 DRAFT PUBLIC OPEN SPACE STRATEGY FOR COMMUNITY
CONSULTATION**

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council endorses the draft Public Open Space Strategy for public exhibition in accordance with Council's Community Engagement Policy 2010.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Lyn Russell

Against the Motion: Cr Chris Smith

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM112707-9 REPLACEMENT OF DREDGING VESSEL AT PORT OF APOLLO BAY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives this report for information.</i></p>		
<p><u>OM112707-10 CRESSY SHELFORD ROAD UPDATE</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the actions completed to date in relation to the Memorandum of Understanding with the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC – formally the Department of Environment Water, Heritage and the Arts – DEWHA) and the DSE which secured Councils commitment to implementing the 'Cressy-Shelford Road Proposal, March 2009'.</i></p>		
<p><u>OM112707-11 ADVERSE POSSESSION CLAIM – 2 CHAPEL STREET, COLAC</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to:</i></p> <ol style="list-style-type: none"> <i>1. Write to the proponent with respect to the adverse possession claim and advise that Council will not be supporting their claim.</i> <i>2. Provide written advice to the applicant indicating that it has no records indicating that the parcel has been proclaimed a public highway previously nor is it able confirm that the carriageway easement has or has not been used in the past thirty (30) years.</i> 		CR CHRIS SMITH

<p>3. <i>Inform the applicant that there is an existing drainage easement in favour of Council over the subject land and that ongoing access to the drainage easement is required on a long term basis and would not support the removal of this easement subject to section 60 of the Transfer of Land Act 1958.</i></p>		
<p><u>OM112707-12 RAE STREET PARKING PETITION</u></p>		
<p>Department: Infrastructure</p>		
<p><u>Recommendation(s)</u></p>		
<p><i>That Council:</i></p>		
<p>1. <i>Supports the petition by;</i></p> <ul style="list-style-type: none"> a. <i>changing the eight (8) parking bays on the north side of Rae Street abutting the corner of Gellibrand Street and Rae Street from all day parking to three (3) hour parking.</i> b. <i>changing the eight (8) parking bays on the south side of Rae Street abutting the corner of Gellibrand Street and Rae Street from three (3) hour to all day parking.</i> <p>2. <i>Informs the coordinator of the petition of the Council resolution.</i></p> <p>3. <i>Updates the Council's Parking Strategy to reflect changes to the parking conditions on Rae Street, Colac.</i></p>		

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM112707-11 Adverse possession claim – 2 Chapel Street, Colac, be adopted.

CARRIED 6 : 0

OM112707-11 ADVERSE POSSESSION CLAIM – 2 CHAPEL STREET, COLAC

MOTION - MOVED Cr Chris Smith:

That Council resolves to:

- 1. Write to the proponent with respect to the adverse possession claim and advise that Council will be supporting their claim.**
- 2. Provide written advice to the applicant indicating that it has no records indicating that the parcel has been proclaimed a public highway previously nor is it able confirm that the carriageway easement has or has not been used in the past thirty (30) years.**
- 3. Inform the applicant that there is an existing drainage easement in favour of Council over the subject land and that ongoing access to the drainage easement is required on a long term basis and would not support the removal of this easement subject to section 60 of the Transfer of Land Act 1958.**

Due to a lack of a seconder, the motion lapsed.

MOTION - MOVED Cr Lyn Russell seconded Cr Stephen Hart that this matter be deferred to enable the Mayor, Chief Executive Officer and officers involved to meet with the applicant to discuss Council's position with respect to this matter.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Lyn Russell, Cr Stephen Hart

Against the Motion: Cr Chris Smith

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM112707-13 ASSEMBLY OF COUNCILLORS</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Assembly of Councillors reports for:</i></p> <ul style="list-style-type: none"> • <i>Friends of the Colac Botanic Gardens - 9 June 2011</i> • <i>Colac Saleyards Advisory Committee - 24 June 2011</i> • <i>Councillor Briefing Session - 29 June 2011</i> • <i>Apollo Bay Harbour Redevelopment - 6 July 2011</i> • <i>Aerodrome Committee of Management -6 July 2011</i> • <i>Councillor Workshop - 13 July 2011</i> 		

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that recommendations to item OM112707-13 Assembly of Councillors as listed in the Consent Calendar be adopted.

CARRIED 6 : 0

IN COMMITTEE

Recommendation

MOVED Cr Lyn Russell seconded Cr Stephen Hart that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with the confirmation of minutes arising from the In-Committee meeting of 29 June 2011.

CARRIED 6 : 0

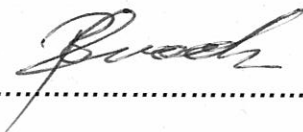
OUT OF COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Stephen Hart that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 4.02 pm

CONFIRMED AND SIGNED at the meeting held on 24 AUGUST 2011


.....MAYOR